

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

PCT740

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/000579

International filing date (day/month/year)

19.01.2005

Priority date (day/month/year)

22.01.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

YOSHIDA INDUSTRY CO., LTD.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/000579

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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International application No.

PCT/JP2005/000579

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO
2. Citations and explanations:			
<p>Claim 1</p> <p>Document 1 (JP, 9-8833, A) cited in the ISR describes "a stick-type cosmetic material storage case comprising steps of;</p> <p>(1) putting a projection, which protrudes outward from a cosmetic material plate-cylinder installing a stick-type cosmetic material, into a spiral groove of an outer cylinder covered on an inner cylinder via a longitudinal slit of the inner cylinder covered on the cosmetic material plate-cylinder,</p> <p>(2) rotating the outer cylinder to move the projection along the spiral groove guided by the longitudinal slit and</p> <p>(3) sliding the cosmetic material plate-cylinder upward and downward against the outer cylinder" (claim 1) and "the cosmetic material plate-cylinder 30 is a cylindrical body whose external diameter is somewhat smaller than the internal diameter of the inner cylinder 20, which is divided into upper and lower sections by a partition wall 31; the upper section of it is formed as a cosmetic material plate 32 for storing a cosmetic material 33 such as a lipstick, a foundation or a cheek color." (paragraph [0017])</p> <p>Document 2 (JP, 3057323, U) cited in the ISR describes "a cosmetic brush composed of;</p> <p>(1) a brush part for applying a cosmetic,</p> <p>(2) a cylindrical body part which connects the brush part with the tip side and is held by fingers and</p> <p>(3) a supporting shaft part connected with the rear end of the body part.</p> <p>Inside the body of the cosmetic brush is provided a blinking light which is characterized by a push pin supporting the brush part in a manner that the brush part has freedom of movement and has difficulty in slipping out and a battery, which are stored in the body. When one end of the body is pressed by the push pin, the battery supplies power freely to the light comprising a light-emitting diode installed via a spring on the other end of the body." (Utility Model Registration Claim)</p> <p>Document 3 (JP, 3068053, U) cited in the ISR describes "The up lid attached in the upper limit of the body of a cylindrical shape, and the luminescence construct incorporated in the up lid. While always being caudad energized with a spring in the body of said cylindrical shape, being stopped by the step formed in the inside lower limit of said body, escaping, and regulating a stop and being formed of a segmenting part for 2 minutes. The pinching object which has guide slot formed in the opposite location of each of said division object in the vertical direction. The holder which has spiral guide slot arranged in the interior of said pinching object, and the supporter which was held at the upper limit section of this holder, and was inserted in the method of inside from upper limit opening. The held object which this supporter is equipped with the end face section, and the point made project from lower limit opening of said holder. The supporter has characteristics of;</p> <p>(1) having a protective cap for protecting a held object and resisting said spring when using said held</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- object,
(2) pushing up the metal cap of a luminescence construct, and
(3) turning on the luminescence construct by applying power to a connection terminal and a battery cell of it." (Utility Model Registration Claim)

As described in documents 2 and 3, it is well known that a cosmetic storage case is provided with a luminous body. So, it is recognized that a person skilled in the art could have easily conceived of applying the well-known art to such a stick cosmetic storage case as presented in document 1 so as to provide a luminous body inside of the storage case. Whether a stick object is to be light-transmissible or not is well known as a solid transparent cosmetic is presented in documents 4 (JP, 2002-332207, A) and 5 (JP, 2000-204012, A) cited in the ISR. Therefore, it is recognized that a person skilled in the art could have adequately selected whether a stick object is to be light-transmissible or not.

Claim 2

Forming a case body and a cover with an opaque material is considered to be a commonly used means for a lipstick storage case.

Claim 3

Providing a controller and a battery to control a light source is considered to be a commonly used means.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations:

Claim 1

Document 1 (JP, 9-8833, A) cited in the ISR describes "a stick-type cosmetic material storage case comprising steps of;

- (1) putting a projection, which protrudes outward from a cosmetic material plate-cylinder installing a stick-type cosmetic material, into a spiral groove of an outer cylinder covered on an inner cylinder via a longitudinal slit of the inner cylinder covered on the cosmetic material plate-cylinder,
- (2) rotating the outer cylinder to move the projection along the spiral groove guided by the longitudinal slit and
- (3) sliding the cosmetic material plate-cylinder upward and downward against the outer cylinder" (claim 1) and "the cosmetic material plate-cylinder 30 is a cylindrical body whose external diameter is somewhat smaller than the internal diameter of the inner cylinder 20, which is divided into upper and lower sections by a partition wall 31; the upper section of it is formed as a cosmetic material plate 32 for storing a cosmetic material 33 such as a lipstick, a foundation or a cheek color." (paragraph [0017])

Document 2 (JP, 3057323, U) cited in the ISR describes "a cosmetic brush composed of;

- (1) a brush part for applying a cosmetic,
 - (2) a cylindrical body part which connects the brush part with the tip side and is held by fingers and
 - (3) a supporting shaft part connected with the rear end of the body part.
- Inside the body of the cosmetic brush is provided a blinking light which is characterized by a push pin supporting the brush part in a manner that the brush part has freedom of movement and has difficulty in slipping out and a battery, which are stored in the body. When one end of the body is pressed by the push pin, the battery supplies power freely to the light comprising a light-emitting diode installed via a spring on the other end of the body." (Utility Model Registration Claim)

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Claim 3

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